IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1980 of 2026
CNR No. ODHC010885872026

Odisha Forest Development Corporation Ltd., Bhubaneswar ..... ***Petitioner***

Represented by Adv. - Pitambar Jena

-versus-

1) M/S. RASHIKARAY INDUSTRIES, BALASORE ..... ***Opposite Parties***

2) STATE OF ODISHA
3) ODISHA FOREST DEVELOPMENT CORPORATION LIMITED,KHURDA
4) SUB-DIVISIONAL MANAGER,PLANTATION SUB-DIVISION, ODISHA FOREST DEVELOPMENT CORPORATION LIMITED

Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
11.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.

3. By filing the present application under Article 227 of the Constitution of India, the Defendant in M.S. No.126 of 2025 pending in the Court of learned Civil Judge (Senior Division), Commercial

Court, Balasore has approached this Court thereby challenging the impugned order dated 09.10.2026 passed in the abovenoted suit.

4. Learned counsel for the Petitioner at the outset contended that the Opposite Parties-Plaintiffs initially filed a Money Suit wherein the Defendant appeared and filed his written statement along with a list of witnesses. Learned counsel for the Petitioner further referred to order dated 18.08.2026 passed in the abovenoted suit wherein the learned trial Court has prepared a list of dates for management of the suit. In the said list of dates, at serial no.4, it has been mentioned that the case is to be posted on 26.11.2026 for filing of the affidavit evidence by the Defendant. He further submitted that the Defendant remained under that impression that the evidence affidavit is required to be filed by 26.11.2026.

5. In course of argument, learned counsel for the Petitioner further submitted that in the meantime the matter was taken up on 09.10.2026. Although a time petition was moved on behalf of the Defendant No.2 and 3, the same was rejected and the Defendant nos. 2 and 3 were set ex-parte. Thereafter, the Plaintiff was examined as P.W.1 on behalf of the Plaintiff side and that the evidence of the P.W.1 was closed on the very same day. Being aggrieved by said order dated 09.10.2026 the Petitioner has approached this Court by filing the present CMP application.

6. On a careful analysis of the submission made by the learned counsel for the Petitioner and on a close scrutiny of the factual background of the present case as well as the impugned order dated 09.10.2026, this Court found that the Defendant has not moved the learned trial Court for setting aside the learned trial Court’s order

dated 09.10.2026 by following the procedure prescribed under Order 9 Rule 7 of CPC. In such view of the matter, this Court, while disposing of the present application, grants liberty to the Petitioner to move an application under Order 9 Rule 7 of the CPC within two weeks from today. In the event any such application is filed, the same shall be considered and disposed of after providing opportunity to all concerned and strictly in accordance with law.

7. With the aforesaid observation and direction, the CMP application stands disposed of.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified
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Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 11-Nov-2026 17:25:04